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ROBERT THOMAS and DONNA THOMAS,

Plaintiff,

-against-

ARSENITY S. SERGEYCHIK and POLONEZ
PARCEL SERVICE, INC.,

Defendants.
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**PLAINTIFF'S COMBINED
DEMANDS**

Index No.: 08 CIV 2374 (KMK)

COUNSELORS:

PLEASE TAKE NOTICE, that pursuant to F.R.C.P., et seq., defendants, ARSENITY S. SERGEYCHIK and POLONEZ PARCEL SERVICE, INC., are hereby called upon to produce, at the office of the undersigned, within twenty (20) days from the date of the service of this demand, the following:

1. **DEMAND FOR WITNESSES:**

The name and address of any and all eyewitnesses to the occurrence complained of herein whether or not obtained by investigation made after the date of the occurrence and regardless of how made, as follows:

- (a) the occurrence alleged in the complaint (*Zayas v. Morales*, 45 A.D.2d 610);
- (b) any act, omission or condition which caused the occurrence alleged in the complaint;
- (c) any actual notice allegedly given to the defendants or any employees of the noticed party;
- (d) the nature and duration of any condition which it will be claimed caused the occurrence alleged in the complaint;

(e) any fact bearing on any of the liability issues in this case;

(f) admission statements (*Wolf v. Davis*, 108 Misc. 2d 19)

2. DEMAND FOR STATEMENTS:

Each and every statement made or taken from each party represented by the undersigned, or the agents, servants and/or employees of said party, now in your possession, custody or control, or in the possession, custody or control of any party you represent in this action, if such statement in any manner bears on the issues of this action.

If no such witnesses are known, or no such statements are in your possession, custody or control, please so state in the reply to this demand.

3. DEMAND FOR PHOTOGRAPHS/VIDEO TAPES:

PLEASE TAKE NOTICE that demand is hereby made pursuant to F.R.C.P., by the undersigned for the production for discovery and inspection and photocopying within twenty (20) days of the service of this notice, the following pursuant to Court of Appeals decision in *Tai Tran v. New Rochelle Hospital Medical Center*, 2003 W.L. 367551 (2203):

(a) all black/white and/or color photographs and/or video tapes depicting the scene of the accident or portions thereof, the injury complained of, or photographs/video tapes in connection with the complaint served in the within action, within a reasonable time prior to or after the occurrence set forth in the complaint;

(b) identify, including name and address, the investigators/photographers who have conducted surveillance on/of plaintiff;

(c) all video tapes/photographs of plaintiff during the investigation/ surveillance activities;

(e) the type and model number of the camera;

(f) lenses and range settings utilized in the videotaping of plaintiff.

4. **DEMAND FOR ACCIDENT REPORTS:**

PLEASE TAKE NOTICE that demand is hereby made upon you to serve upon
the attorney for the undersigned, copies of the following:

(a) accident and/or incident reports prepared in the normal course of business and
filed with employer, insurance company and/or Department of Motor Vehicles, if applicable.

5. **DEMAND FOR INSURANCE PRODUCTION:**

PLEASE TAKE NOTICE that demand is hereby made upon you pursuant to F.R.C.P 26
(b)(2) to produce and permit plaintiff or the undersigned attorneys for plaintiff, to inspect and
copy the contents of:

(a) each and every primary, contributing and excess insurance agreement under
which any person carrying on an insurance business may be liable to satisfy part or all of a
judgment which may be entered in this action or to indemnify or reimburse for payments made to
satisfy the judgment; and

(b) each and every insurance agreement in which the insurer is obligated to
defend in this action;

(c) ALL LIABILITY POLICIES of insurance held by family/employer and/or
leasing company which would afford primary or excess insurance coverage for the owner and/or
driver and/or lessee of the defendant's vehicle; premises; property; land. (*Home v. Meisner*, 436
N.Y.S.2d 189).

(d) sworn affidavits of no excess insurance, if no such excess policies exist.

6. **DEMAND FOR EXPERTS:**

PLEASE TAKE NOTICE that pursuant to F.R.C.P. 26 (a) (2), the undersigned demands that each party provide the following information at the office of the undersigned, as soon as the information is available to said party:

(a) the name of all expert witnesses each party will call to testify at trial;

(b) the qualifications of each expert in the field he or she will be offered as an expert witness;

(c) the subject matter on which each expert is expected to testify;

(d) the substance of the facts and opinions on which the expert is expected to testify;

(e) the grounds forming the basis for the expert's opinion;

(f) the dates of all reports provided by the experts to the attorney.

If this defendant does not respond to this request in a timely fashion, this plaintiff will object to the testimony or such expert.

PLEASE TAKE FURTHER NOTICE that in the event the subject incident was one involving motor vehicles, produce the following items:

(a) COPIES OF MEDICAL RECORDS: Copies of any and all medical reports, medical statements, medical bills and/or No-Fault applications obtained by the defendant or from any other source other than counsel for the plaintiff relating to the physical condition of this plaintiff;

of the defendant, showing the extent of damage, if any, to defendant's vehicle following the accident herein. (*Wolen v. E.W. Howell Co.*, 41 A.d.2d 545).

(c) PHOTOS OF PLAINTIFF'S VEHICLE: Photographs taken of the vehicle of the plaintiff, showing the extent of damage, if any, to plaintiff's vehicle following the accident herein.

PLEASE TAKE FURTHER NOTICE that these demands shall be deemed to continue during the pendency of this action, including the trial thereof. In the event of failure or refusal to comply with these demands, this demanding party shall seek to preclude the introduction of any requested information not produced into evidence at the time of trial and for other appropriate sanctions.

Dated: White Plains, New York
June 2, 2008

YOURS, etc.,




BANK, SHEER, SEYMOUR & HASMALL
Attorneys for Plaintiffs 5877
Office & Post Office Address
399 Knollwood Road - Suite 220
White Plains, New York 10603
(914) 761-9111

TO: Law Office of Thomas K. Moore
Attorney for Defendants
701 Westchester Avenue, Suite 101W
White Plains, New York 10604
(914) 285-8500

I, DANIEL A. SEYMOUR, hereby certify that on June 2, 2008, I served the within Plaintiff's Combined Demands, upon Defendants, ARSENITY S. SERGEYCHIK and POLONEZ PARCEL SERVICE, by depositing a true copy thereof enclosed in a pre-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Law Office of Thomas K. Moore
Attorney for Defendants
701 Westchester Avenue, Suite 101W
White Plains, New York 10604


DANIEL A. SEYMOUR - 5877